

Minutes of the Planning Commission meeting held on Thursday, July 17, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Vice-Chair
Sheri Van Bibber
Jeff Evans
Kurtis Aoki
Jim Harland
Ray Black
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor, Chair

The Staff Review meeting was held from 6:00 to 6:30 p.m. The planning commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Department.

Karen Daniels opened the Planning Commission meeting at 6:30 p.m. and welcomed the public. She reviewed the procedures of this meeting.

APPROVAL OF MINUTES

There were no minutes to be approved.

CONFLICT OF INTEREST

Ms. Daniels asked the commission members if there are any conflict of interests for any of the applications on tonight's meeting. None were indicated.

Ms. Daniels announced that the Fireclay Office Park Subdivision and Dundee Office Building applications have been withdrawn from this agenda and will be heard at a later date.

WELD, INC. - 231 West 4860 South

Marc Dorwart was the applicant present to represent this request. Ray Christensen reviewed the location and request for site plan approval for construction of an office/shop building at the property addressed 231 West 4860 South located within the M-G-C zone on .27 acre. The applicant is requesting site plan approval to construct an office/shop building with 2,300 sq.ft. shop area and 300 sq.ft. office on the property. The site plan shows the proposed building to be located with a 20 foot front setback with the driveway to the west side and parking to the south of the building. Parking required for office use is 4 stalls per 1,000 sq.ft., and shop use requires one stall per 750 sq.ft. Based on the office/shop use the site will require 4 parking stalls including one disabled stall. The plans will need to be revised with the building permit application to show 4 parking stalls including one disabled stall with 5 foot depth of landscaping separating the parking stalls from the property boundary on the south and east to meet ordinance requirements. The minimum drive aisle is 24 feet wide associated with 90 degree parking. The 25 foot wide drive access is required to be 5 feet minimum setback from the property boundary and landscaping to be installed 5 foot width and 10 foot depth to meet land use ordinance requirements. Municipal Code Ordinance 17.152.020 allows welding and land

use #6400 as a permitted use and requires planning commission site plan approval. The City Engineer noted a SWPP plan and drainage plan is required for approval. The applicant will need to meet all fire department requirements. The Building Official noted to provide plans from design professionals to meet current building codes and provide a soils report from a geotechnical engineer at the time of the building permit submittal. Meet all Power Department requirements including clearance from any existing power lines to meet the NESC plus 25%. Meet all Water and Sewer Department requirements. Based on the information presented in this report, application materials submitted and site review, the staff recommends approval with conditions.

Marc Dorwart, 2165 East 7180 South, Salt lake City, stated that he will meet the staff recommendations as required.

No comments were made by the public.

Jim Harland made a motion to grant site plan approval for Weld, Inc. at 231 West 4860 South subject to the following conditions:

1. The structures will need to meet building code requirements of the Murray Building Official and soils report provided from a geotechnical engineer.
2. The City Engineer noted a SWPP plan and drainage plan is required for approval.
3. Meet all Murray Fire Department requirements including current building and fire codes.
4. Meet all Power Department requirements including clearance from any existing power lines to meet the NESC, plus 25%.
5. Meet all Murray Water and Sewer Department requirements.
6. The plans will need to be revised with the building permit application to show 4 parking stalls including one disabled stall with 5 foot depth of landscaping separating the parking stalls from the property boundary to meet ordinance requirements. The minimum drive aisle width is 24 feet associated with 90 degree parking. The drive access will need to be widened to 25 feet width off 4860 South. The 25 foot wide drive access is required to be 5 foot minimum setback from the property boundary with 5 feet of landscaping, and provide a 10 foot depth of landscaping to meet land use ordinance requirements.
7. A formal landscaping/sprinkler plan will need to be approved by the Murray City Forester and be installed as approved.
8. All dumpsters used will need to be fenced to meet zoning regulations.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

 A Mr. Aoki
 A Ms. Van Bibber

A Ms. Daniels
A Mr. Evans
A Mr. Black
A Mr. Harland

Motion passed, 6-0.

U CAN LEARN, LC - 6308 South 900 East

Karla Jay was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a private school, including learning disabled children at the property addressed 6308 South 900 East located within the R-N-B zone on .29 acre. The applicant is requesting approval for a private elementary school, including learning disabled children within the existing building. The applicant indicated the private school will run September to May with 8 children per classroom and 4 teachers. The grades served are kindergarten through 8th grade. U Can Learn treats learning disabled children who have great behavior and who need testing and tutoring. The information provided shows the building contains 3,100 sq.ft. with 2 levels with classrooms and office space. Municipal Code Ordinance 17.140.030 allows elementary schools, land use #6812, as a Conditional Use and 17.140.020 disabled school as a permitted use, land use #6817, and requires planning commission approval in the R-N-B zone. The parking required for schools are one parking stall for each employee, one space for each 2 classrooms for elementary schools without driving age students. The plans show 3 classrooms. The applicant indicated there will be 6 employees. The plans show 7 parking stalls including one disabled stall. There will need to be no more than 5 employees parked at one time to meet the parking regulations with the employee and classroom parking ratio required. The City Engineer noted a final occupancy permit is required for the building. The applicant will need to meet the fire department requirements. The Building Official noted the change from the office building to an educational use could be difficult and costly. The applicant will need to provide plans from design professional and to meet current building codes. Meet all Power Department requirements. Meet all Water and Sewer Department requirements. Based on the information presented in this report, application materials submitted and site review, the staff recommends approval with conditions.

Jim Harland asked about the two extra parking spaces provided. Mr. Christensen responded that based on the parking requirement of one parking space per two classrooms, it would equate to a total of 7.5 parking stalls.

Alan Prince, 10639 Amberley Lane, Sandy, stated he is the owner of the property. He stated that he recently removed an older home and built this new building on the existing foundation. He stated that he originally was anticipating using this building for his personal office building, but with the acute slow down in the housing industry he has decided to sell the building. He stated this group is a wonderful group of people along with their business.

Karla Jay, 10869 South Chapada Way, Sandy, stated she is the clinical director of U Can Learn. She stated that she has received the staff recommendations and will comply. She stated their business has been in business for the past 8 years as a nonprofit learning center and currently have a business in Murray at 6600 South. She stated they also have a school in West Jordan and are combining both locations into one, which they are hoping to be this location. She stated they have dyslexic children who come to get rehabilitative skills and the children are not one with

behavioral disorders or any types of physical disorders. She stated that this school is accredited by the State of Utah and they follow the state's regiment. She stated they conduct year round testing, tutoring and ADHD therapy. She stated that after talking with the fire marshal, he indicated that there may be issues with this type of zoning and they have dismissed the kindergarten students and now will only operate 1st grade to 7th grade with three teachers. Regarding the parking situation, there are 10 stalls which includes two parking stalls in the garage and they will keep the front two parking stalls for child drop off. She stated that there will be three teachers including herself. She stated there will be three classrooms and there are also three restrooms.

Karen Daniels asked if the children will be dropped off at the same time. Ms. Jay responded they do stagger the drop off and classrooms situation. She stated the school starts at 8:30 for everyone. However, there will be children being dropped off at 8:00 or earlier, but most of the children come between 8 and 9 a.m. She stated that they anticipate staggering the students both arriving and departing and a lot of the children car pool and come from distances such as Park City and Herriman.

Sheri Van Bibber asked about the possibility of expanding to four classrooms. Ms. Jay responded that there will not be 4 classrooms and they have the first grade through third grade together; fourth through fifth grades together; sixth and seventh grades together, and she does not plan on hiring additional teachers.

Pam Parry, 6310 South 900 East, stated her property is adjacent to the property in question. Ms. Parry stated she spoke with an employee of U Can Learn who indicated to her that the school will facilitate 4 teachers and 40 children. She expressed concern with the parking and traffic. She presented some photos to the commission members showing 7 parking stalls including the ADA stall. She expressed concern with the possibility of having a dumpster located on the property and that it be located to the rear of the property and if it would eliminate a parking stall. She asked about school functions such as holiday gatherings with parents and families or parties and parking. She stated with the recent construction of this building, many of the construction vehicles were parking along 900 East and they called UDOT several times to have the vehicles removed which has caused considerable traffic congestion and safety visibility issues. She complimented the development of the property and that it is a lovely property. She stated they are attempting to get UDOT to post no parking signs along 900 East at this location. Ms. Parry stated that at the same time school will be starting (8:30-9:00) and when it dismisses (3:00-3:30) their UPS and Fedex deliveries are made and they use the 8 foot lane and may be a difficult situation.

Karla Jay stated that she respects Ms. Parry's concerns regarding others parking in front of their building. She stated there are 10 parking stalls on the site and she does not foresee ever having to use those 10 stalls. She stated evening activities with parents would not affect the adjacent properties. She stated a lot of their activities can take place across the street at Wheeler Farm and they take field trips at other locations. She stated they do not have a lot of parties at the school. She stated that there is a large shoulder along 900 East Street and could be easily accessed for a quick drop off, but they will not park along 900 East.

Alan Prince stated that this business will not be using a dumpster and will use a regular garbage can such as those used for residential use. He stated that there is a long standing fence of masonry and garage along the boundary line and there shouldn't be any annoyance to the

neighbors from the children at the school. He stated that construction vehicles are no longer on the site because the building is completed, but 900 East is a public road and can be used by the public. He stated they have all the necessary permits from UDOT for access. He stated the ADA parking stall is a triple wide parking stall.

Jim Harland asked if the city has any influence along 900 East Street, even though the street is under the jurisdiction of UDOT. Mr. Christensen responded that the city does not have any authority over 900 East, but the city may be able to contact UDOT to resolve the issues expressed.

Jeff Evans made a motion to grant Conditional Use Permit approval for U Can Learn, LC located at 6308 South 900 East subject to the following conditions:

1. The structures will need to meet the building code requirements of the Murray Building Official.
2. The Murray City Engineer noted to meet final occupancy permits for the building.
3. Meet all Murray Fire Department requirements including current building and fire codes.
4. Meet all Power, Water and Sewer Department requirements.
5. Meet all parking regulations including 1 ADA stall to meet ADA regulations.
6. Landscaping will need to be approved by the Murray City Forester and be installed as approved.
7. Any dumpsters used will need to be fenced to meet zoning regulations.

Seconded by Kurtis Aoki.

Call vote recorded by Ray Christensen.

 A Mr. Aoki
 A Ms. Van Bibber
 A Ms. Daniels
 A Mr. Evans
 A Mr. Black
 A Mr. Harland

Motion passed, 6-0.

L.D.S. CHURCH - 1160 East Vine Street

Tracy Stocking was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a new pavilion on a concrete pad and volleyball court at the south area of the property addressed 1160 East Vine Street located within the R-1-8 zone on 4.6 acres. Municipal Code Ordinance 17.100.030, allows churches, accessory buildings and uses with conditional use permit approval by the Planning

Commission. The applicant is requesting approval for a new 30' X 60', 1,800 sq.ft. pavilion and volleyball court at the south side of the property behind the church building and parking lot. The architect said the volleyball court area is not to be paved and will be on the lawn area. The information provided shows the parking lot contains 322 parking stalls with 155 stalls required. The plans show the pavilion is setback about 25 feet from the residential zone boundary. There is a maximum 20 foot accessory building height allowed in the R-1-8 zone. The Murray City Engineer noted to provide existing and proposed drainage plans. Repair any trip hazards on the public sidewalk. Meet all Murray Fire Department requirements. The Murray Building Official noted to meet current building and fire code regulations. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval with conditions.

Tracy Stocking, 17 Exchange Place, Salt Lake City, indicated he is the architect for the project. He stated this pavilion is typical of many churches with picnic tables. Mr. Stocking indicated that he had received the staff recommendations and will comply.

Kurtis Aoki asked the number of persons allowed in a pavilion. Mr. Stocking responded that there will be approximately 18 picnic tables and each table seats 8 persons, totaling approximately 144 persons.

Jim Harland asked if this facility will be open to the public or is it restricted to members of the church only. Mr. Stocking responded that the facility will not physically be restricted and there will be no fencing or gates, but the church will not advertise the use of the facility. The nature of most church buildings and structures is open to public use, but it is still on private property.

No comments were made by the public.

Ray Black made a motion to grant Conditional Use Permit for a new pavilion and volleyball court at the L.D.S. Church located at 1160 East Vine Street subject to the following conditions:

1. The structures will need to meet building code requirements of the Murray Building Official.
2. The Murray City Engineer noted to provide existing and proposed drainage plans. Repair any trip hazards on the public sidewalk.
3. Meet all Murray Fire Department requirements including to meet current building and fire codes.
4. Changes to the landscaping/sprinkler system plan will need to be approved by the Murray City Forester and installed as approved prior to occupancy.
5. The roof height of the pavilion peak cannot exceed 20 feet high to meet zoning regulations for accessory structures.

Seconded by Kurtis Aoki.

Call vote recorded by Ray Christensen.

A Mr. Aoki
A Ms. Van Bibber
A Ms. Daniels
A Mr. Evans
A Mr. Black
A Mr. Harland

Motion passed, 6-0.

Lonny Stillman, 1218 East Jacobs Circle, commented that he has the highest regard for Mr. Aoki, but that Mr. Aoki lives in the boundaries of this church where he would attend and there may be a possible conflict with this decision. Mr. Aoki responded that he is a planning commission member that represents the residents within the council district and if he felt that he had a conflict with this application he would have recused himself, but he does not feel there is a conflict and therefore did not recuse himself.

Tim Tingey, Director of Community & Economic Development, stated that he does not feel there is any conflict of interest with Mr. Aoki on this application and there is no financial interest that Mr. Aoki has for this application.

WILSON & STATE AUTO SALES - 94 East Wilson Avenue

Joel Hewson was present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for auto sales at the property addressed 94 East Wilson Avenue located within the C-D-C zone on .84 acre. Municipal Code Ordinance 17.160.030 allows automobile sales, land use #5510, with Conditional Use Permit approval by the planning commission. The applicant is requesting approval for a new auto sales office building and lot at the corner of State and Wilson Avenue. The plans show a new 20' X 60' building for a total of 1,200 sq.ft. at the southwest corner of the property. The parking lot for auto sales is to the east of the new building. The plan shows the drive access is off Wilson Avenue and has a 28 foot wide drive access. The dumpster is located between the street and front of the building which is not allowed unless Murray Planning Commission approval is granted. The information provided shows the lot will contain a total of 60 parking stalls including 2 disabled stalls. Four parking stalls are required per 1,000 sq.ft. of office use for customers and employees which will need to be designated on the site with signs. The building meets the 20 foot front yard setback requirement. The Murray City Engineer noted a formal drainage plan and SWPP plans are required. An ADA ramp is required on the corner. Dedication of 8.5 feet of right-of-way is required on Wilson Street. Meet the requirements of the Murray Building Official for compliance to current building codes. Provide a soils report from a geo-technical engineer. Meet all Fire, Power, Water and Sewer Department requirements. Based on the information presented, application materials submitted and site review, staff recommends approval based on conditions.

Joel Hewson, 48 West Broadway, Salt Lake City, stated that he is representing this application. Mr. Hewson stated that he has reviewed the staff recommendations and will comply. He stated that the building will be a custom made modular building with color and materials such as a stucco.

Erwin Ashenfelter, 5650 South State Street, stated that he his with the Larry H. Miller Companies. Mr. Ashenfelter stated that there are many auto sales buildings located along State Street in this area, none of which are modular buildings. He stated a modular building does not add to the "whole" for this area. Mr. Ashenfelter asked about tie-ins for the sewer, or if there be dumps in the building. He asked where the vehicles will be cleaned and repaired. He stated the previous electricity to this site was supplied by the Larry Miller property at 5650 South State Street.

Joel Hewson stated that he himself is not going to be the dealer, but anticipates the dealership will be used auto sales. He stated that he leases the property with a purchase option. He stated that the cars would need to be taken to a car wash business to wash the cars. All the utilities are at the site and are available and they can tie into those utilities. He stated the modular building meets all the current building codes and standards and is illegal to discriminate against them. He stated he was unsure about the issue of auto repair on site because he is not the auto dealer himself.

Jim Harland asked about the building type and if it was approved by the Building Official. Mr. Christensen responded that a building permit has not yet been approved for this property, but a permit will need to be approved and at that time will need to meet the current codes. He stated the building code issues do not regulate the nature of architecture or style of a building and regulate only the current building codes themselves.

Mr. Tingey commented that Section 17.56.060 (D) indicates the planning commission can impose conditions on the issuance of the conditional use permit and references limitations on the size and shape of the building, and no other restrictions may be placed upon the application such as no modular buildings.

Jim Harland made a motion to grant Conditional Use Permit approval for Wilson & State Auto Sales located at 94 East Wilson Avenue subject to the following conditions:

1. The Murray Building Official requires compliance to current building codes.
2. Meet all Murray Fire, Power, Water and Sewer Department requirements.
3. Meet all parking regulations for paving and striping including ADA stalls to meet ADA regulations. Customer and employee parking will need to be designated on the site with signs and the plans revised on the building permit application.
4. A formal landscaping plan is required with approval by the City Forester and to be installed as approved prior to occupancy.
5. The dumpster will need to be relocated unless the Planning Commission grants approval for the location shown. All dumpsters used will need to be fenced to meet zoning regulations.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Mr. Aoki
 A Ms. Van Bibber
 A Ms. Daniels
 A Mr. Evans
 A Mr. Black
 A Mr. Harland

Motion passed, 6-0.

OTHER BUSINESS

No other business was conducted.

Meeting adjourned.

Ray Christensen, AICP
Senior Planner